



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MEETING

MONDAY

AUGUST 16, 2021

6:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF THE AGENDA
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. COUNCIL MINUTES
 - a. 8/2/2021 Council Meeting
 - b. 8/9/2021 Council Workshop
 - 3. COMMUNICATIONS
 - a. Legal opinion regarding the proposed referendum
 - b. Impaired Waters BMPs Information
 - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - a. Presentation of MRC Director Michael Carroll with an update on the sale of Coastal Resources.
 - 2. PUBLIC HEARINGS
 - a. Proposed Zoning Ordinance District Map Amendment.
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
- H. NEW BUSINESS
- I. MANAGER'S REPORT

Note: Council will take a five-minute recess at 8:00 p.m.

.....
MONDAY

AUGUST 16, 2021

6:00 P.M.

AGENDA
.....

J. COUNCILOR'S COMMENTS

K. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL
MEETING ON AUGUST 16, 2021 AT 6:00 PM
YOU MAY PHONE IN USING THE FOLLOWING
NUMBER (FOLLOWED BY THE PIN #)

1-321-430-6021 PIN 697 788 521#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/
coi-ytjb-uow?hs=122&authuser=0](https://meet.google.com/coi-ytjb-uow?hs=122&authuser=0) AND JOIN
US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-a

MONDAY

AUGUST 2, 2021

6:00 P.M.

In Attendance:

Mayor Shelby Wright
Councilor Eric Jarvi
Councilor Mark Cormier
Councilor Ivan McPike
Councilor Allen Esposito
Councilor Peter Erickson
Councilor Christine Cubberley

Paula Scott, Town Manager
Gayle C. Decker, Town Clerk
Amy Ryder, Economic Development Director
Wayne Boyd, Gen Manager, Pinetree Landfill
Lisa Jacob, Geologist, Pinetree Landfill
Other members of the Public

Mayor Wright called the meeting to order at 6:00 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Wright led the Pledge of Allegiance.

B. APPROVAL OF THE AGENDA

Motion: *Councilor Jarvi moved to approve the agenda with the removal of item K. Executive Session, seconded by Councilor Esposito. Vote 7-0*

Resolution: 2021 – 157

C. CONSENT AGENDA

Motion: *Councilor McPike moved to approve the consent agenda, seconded by Councilor Cubberley. Vote 7-0*

Resolution: 2021 - 158

1. SIGNATURES

2. COUNCIL MINUTES

- a. 07/06/2021 Council Meeting
- b. 07/12/2021 Council Workshop
- c. 07/19/2021 Council Meeting
- d. 07/26/2021 Special Town Council Meeting.

3. COMMUNICATIONS

- a. Press Release
- b. Town Manager Scott's letter to the RSU 22 Board of Directors
- c. Town Manager Scott's correspondence email with Peggy Brown, Lafayette Hotels
- d. MRC July 2021 Newsletter

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

AUGUST 2, 2021

6:00 P.M.

AGENDA

e. Public Forum August 3rd at 5:00 at the Town Office – Transfer Station Operations

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS

E. POLICY AGENDA

Mayor Wright turned the gavel over to Councilor McPike for News, Presentations and Awards.

1. NEWS, PRESENTATIONS & AWARDS

a. Casella response to the Pine Tee Landfill Public Hearing.

Wayne Boyd, General Manager for the closed Pinetree Landfill and Geologist Lisa Jacob, spoke in response to the Pine Tree Landfill Public Hearing that was held on July 19th. Lisa Jacob presented an overview of water quality from the 2020 perspective.

After public comments and Council questions Councilor McPike turned the gavel back over to Mayor Wright.

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

F. COMMITTEE REPORTS

Councilor Jarvi reported on the July 26th Special Town Council Meeting.

G. UNFINISHED BUSINESS

a. Council consideration on Remote Meeting Policy, *referred from Council Workshop.*

(Motion on the floor from the July 26th Special Town Council Meeting: Councilor Esposito made a motion to adopt the policy proposed, seconded by councilor Jarvi. Councilor Jarvi moved to amend paragraph 6 of the Draft Policy to read that all votes taken during any meeting, striking a and striking out using a remote method, will be by roll call vote (all votes taken during any meeting will be by roll call vote), seconded by Councilor McPike. Vote 7-0 in favor of amendment.)

Roll Call Vote on adopting the Amended Policy 6-1 with Councilor's Erickson, Esposito, Jarvi, Cormier and Mayor Wright voting in the affirmative and Councilor McPike voting in opposition to.

Resolution: 2021 – 159

Note: Council will take a five-minute recess at 8:00 p.m.

AGENDA

H. NEW BUSINESS

- a. Request for authorization to engage James W. Wadman, CPA as Auditor for FY22.

Town Manager Scott spoke informing that this is a standard yearly authorization for the Council to permit her to sign the contract to engage the Town's Auditor.

Motion: Councilor McPike made a motion to authorize the Town Manager to engage James W. Wadman, CPA as the auditor for FY 22, seconded by Councilor Jarvi. Vote by Roll Call 7-0 with all Councilor's voting in the affirmative.

Resolution: 2021 - 160

- b. Discussion on the TDS broadband letter of intent – requested by Amy Ryder, Economic Development Director

Economic Development Director Amy Ryder presented overview on Broadband and then invited TDS Associate Ron Fournier, Field Service Manager for TDS to the podium to answer questions and provide insight on behalf of TDS. TDS has full intentions of building out fiber in Hampden.

- c. Council authorization to continue with the municipal broadband model – requested by Amy Ryder, Economic Development Director

Motion: Councilor McPike made a motion to continue on with Broadband, Municipal owned and take it to public hearing, seconded by Councilor Jarvi. Roll Call vote 4-3 with Councilor's McPike, Jarvi, Cubberley and Mayor Wright voting in the affirmative and Councilor's Erickson, Esposito and Cormier voting in opposition to.

Resolution: 2021 - 161

I. MANAGER'S REPORT

I do want to highlight the fact that tomorrow night at five o'clock, here in council chambers, we're having a public forum to invite discussion on transportation improvements, safety issues looking at demo, and looking at the Swap Shop. So, anyone who's interested in that, feel free to come, again here tomorrow night at five o'clock. We're hoping to get volunteers for a committee that we can take ideas back from that forum and sit there and bat out some idea

J. COUNCILOR'S COMMENTS

Councilor Cormier – No comment.

Councilor McPike - Yes. The only comment I have is that I was glad to see that the question was brought back up on the call a question because calling the question just asked us to stop discussion on that and there may be four councilor's who want to continue discussion, so therefore it does need a vote. And I think some of us were under the impression that did not need it, so I was glad that that was straightened out and that we got that voted on.

Councilor Jarvi – No comment.

Councilor Esposito – No comment.

Note: Council will take a five-minute recess at 8:00 p.m.

.....
MONDAY

AUGUST 2, 2021

6:00 P.M.
.....

AGENDA

Councilor Erickson – No comment.

Mayor Wright – No comment.

K. EXECUTIVE SESSION *–removed from agenda.*

L. ADJOURNMENT

Meeting adjourned at 1:35 p.m.

Note: Council will take a five-minute recess at 8:00 p.m.



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-B

MONDAY

AUGUST 9, 2021

6:00 P.M.

In Attendance:

Mayor Shelby Wright
Councilor Eric Jarvi
Councilor Mark Cormier
Councilor Ivan McPike
Councilor Allen Esposito, Remotely
Councilor Peter Erickson
Councilor Christine Cubberley

Paula Scott, Town Manager
Gayle C. Decker, Town Clerk
Amy Ryder, Economic Development Director
Victor Smith, Public Works Director
Clifton Iler, Town Planner

Deputy Mayor Jarvi called the meeting to order at 6:00 p.m.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS

- a. Sewer 101 presentation, requested by Victor Smith, Public Works Director.

Public Works Director Victor Smith gave a Sewer 101 presentation, speaking on some of the issues we have with the sewer, our interlocal agreement with the Bangor Wastewater Treatment Plant and water flow. After Council discussion suggestion to Town Manager is that we need a focused planning retreat to begin to develop some substance to how we are going to tackle this problem long term.

- b. Discussion on Economics, requested by Amy Ryder, Economic Development Director.

Economic Development Director Amy Ryder spoke on Economics, piggybacking off the Sewer 101 presentation. She presented a COC study (cost of community services) which takes the expenditures and divides it by the revenues of each land use. Clifton Iler, Town Planner spoke, with the Economic Development Director, on the Comprehensive Plan, they have internally been working on drafting a scope of work for the comprehensive planning process. Council consensus is transparency to the public on the Comprehensive Plan is priority moving forward. Economic Development Director will develop a paper to distribute as part of council packet to show her calculations on the COC Study and will project what some level of growth might be over the next couple years.

- D. ADJOURNMENT

Meeting adjourned at 6:53 p.m.

*Respectfully Submitted,
Gayle C. Decker, Town Clerk*

Note: Council will take a five-minute recess at 8:00 p.m.

**Memorandum**

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: August 3, 2021
RE: Legal opinion

During the Council meeting on July 26th at which Amy presented information regarding the municipal model for broadband, the Council asked me to obtain a legal opinion regarding the proposed referendum. Specifically, the question was posed as to whether or not the Council could abandon the project if they believed it was better to do so, even if the voters approved it.

According to MMA staff attorney Richard Flewelling, the Council *could* decide to not go through with a project. I have excerpted his answer below:

Your question, reduced to its essence, is whether a project approved and funded by the municipal legislative body (the voters) can nonetheless be rejected by the municipal officers (the council). Or in other words, does the voters' approval and funding constitute not only authorization but a legally enforceable directive to the council to proceed with the project? In my opinion the answer is, likely not.

There can be no doubt that the voters' decision confers sufficient authority on the council to execute the project. But it is unlikely, in my view, that their decision obligates the council in any legally *enforceable* sense to follow through with the project. The political consequences for not doing so are, of course, another matter entirely and not to be discounted. But my belief is that if the council, for whatever reason, chose not to implement the project, the voters' remedy would be the ballot box, not the courthouse.

I have consulted several of my colleagues on this matter, and they concur with me.

While I believe it is inherently important to consider the voice of the voters, this information should give a level of comfort regarding the decision to move this forward to referendum.



SEE 3.7 Impaired Waters BMPs

The MS4 General Permit requires permittees to specifically address discharge(s) to impaired waters that are located within the MS4 regulated area. If a waterbody to which a point source discharge drains is impaired and has an EPA approved total maximum daily load (TMDL), then the SMP must address compliance with the TMDL waste load allocation ("WLA") and any implementation plan.

The Town of Hampden has one urban impaired stream (UIS) that the MS4 discharges to within the urbanized area. This stream is Sucker Brook. Progress has been made on identifying and addressing impairments through assessment, best management practices, and/or public education. As such, there is a good basis for understanding potential next steps to mitigate this impairment. Details of the work completed to date are contained in **Section 1.4.2** of this SMP, and set the framework for identification of the three BMPs that will be implemented to meet the Urban Impaired Stream requirement of the 2022 MS4 General Permit.

3.7.1 IWBMP1 - Sucker Brook Watershed Website and Council Education

Description:

The Town will create an educational website landing page for the Sucker Brook watershed. This web page will be used to provide annual training for Town Council members related to the UIS, as well as to educate residents of Hampden. This web page will be accessible through the existing municipal website, and will use language that is easy for residents and other viewers to understand. It will explain the stressors of Sucker Brook as well as the Town's planned path forward in addressing impairments to the waterbody.

Measurable Goals:

A Town website landing page describing Sucker Brook will be completed in PY1. In PY1-PY5, the Town Council will receive annual training on Sucker Brook watershed using the web page. This training will be updated annually to include any new data collected or any progress on stream improvements. In PY5, statistics on traffic to this website landing page will be compiled and assessed to determine how many residents were reached.

Implementation:

The Town will create a web page targeted at educating Town Council members and residents on issues in the Sucker Brook watershed. The web page will include information on plans to improve the stream, as well as information on what Hampden citizens can do to help improve the water quality in Sucker Brook.

Responsible Party: Municipal Stormwater Manager

3.7.2 IWBMP2 - Geomorphology Assessment

Description:

The Town will collaborate with the City of Bangor to hire a qualified stream geomorphologist to conduct a Geomorphology Assessment within the Sucker Brook watershed. This will help the Town to understand the response of the stream channel to disturbances in Sucker Brook, as well as identify potential structural BMPs to help address these disturbances.

Measurable Goals:

The Geomorphology Assessment and report will be completed by the end of PY1. The assessment portion may be conducted before the beginning of PY1, as approved by MDEP. The results of this assessment will help determine potential structural BMPs that the Town will consider for IWBMPs (**see 3.7.3 below**).

**Implementation:**

The Geomorphology Assessment will include a background review of existing materials and past studies of Sucker Brook, as well as a historic assessment of topographic maps and aerial images to review changes over time. The on-site assessment will begin with a rapid Geomorphic Assessment to choose three sites for detailed assessment. The detailed assessment will include a walk of survey sites, a topographic survey, and pebble counts at each site. The Town will then be provided with a report of findings including two conceptual designs with illustrations, material lists, and estimated costs.

Responsible Party: Municipal Stormwater Manager

3.7.3 IWBMP3 - Structural BMP implementation Sucker Brook Watershed**Description:**

The Town will implement at least one structural BMP during the permit cycle in the Sucker Brook watershed. This BMP may be selected from the conceptual designs provided during the Geomorphology Assessment in IWBMP2 above. This structural BMP will be chosen to provide the largest impact to overall stream health, within the Town's budgetary constraints.

Measurable Goals:

The Town will evaluate stormwater treatment options and, based on the availability of potential grant funding and conceptual designs from the geomorphology assessment, will select a minimum of one structural BMP by the end of Permit Year 2. The Town will complete the construction of the selected BMP(s) by the end of Permit Year 5.

Implementation:

One or more of the following structural BMPs will be implemented by the end of the permit cycle:

- A. Replace the existing Old County Road culvert at the Sucker Brook crossing. The existing ten-foot diameter corrugated metal pipe culvert was installed prior to the mid 1970's. Portions of the bottom of the culvert have failed and also portions of the sidewalls at the normal flow water line. Heavy flows have also damaged the inlet portion of the culvert, which had to be repaired by Public Works. Significant erosion has occurred at the inlet due to lack of armoring of the adjacent side slopes, which must be addressed to avoid excessive sediment loading to the Brook. Channel scour beneath the culvert bottom failure also has the potential to undermine the structure;
- B. Select a BMP design from the Geomorphic Assessment; or
- C. Construct another MDEP approved structural BMP within the Sucker Brook watershed.

Responsible Party: Municipal Stormwater Manager



Town of Hampden
Land & Building Services
Report
Zoning District (Map) Amendment
214 Coldbrook Road

To: Town Council
From: Clifton J. Iler, AICP, Town Planner
CC: Paula Scott, Town Manager
Amy Ryder, Economic Development Director
Date: August 16, 2021
RE: Report on Application for Zoning District (Map) Amendment – 214 Coldbrook Road

Project Information:

Applicant: Peter Erickson & Herbert Sargent
Site Location: 214 Coldbrook Road; Tax Map/Lot: 09-0-029
Coldbrook Road; Tax Map/Lot: 17-0-002
Zoning District: Residential A (Tax Map/Lot: 09-0-029)
Rural (Tax Map/Lot: 17-0-002)
Size of Parcel: 5.91 AC (Tax Map/Lot: 09-0-029)
32.0 AC (Tax Map/Lot: 17-0-002)
Proposal: This application is for a zoning district map amendment to change the zoning district of the subject properties from Residential A & Rural respectively to Commercial Service. The total area of the properties is 37.91 AC and the proposed use is the development of a hardware store and home building center with multi-unit leased space.

This application for a zoning district map amendment is subject to Zoning District Amendments (Section 1.5) and Zoning Districts (Section 2.1) of the Hampden Zoning Ordinance.

Abutting properties include multiple residences (22), office and retail uses, and undeveloped land currently zoned in the Commercial Service district. The attached materials provide additional information.

The Town Council is to hold a public hearing on the proposed zoning district map amendment and vote to adopt as proposed, adopt with modification, or deny the amendment.

Staff Notes:

- The 2010 Comprehensive Plan identified the Coldbrook Road corridor as an area to concentrate future commercial development (see attachment). There is proximity to the I-95 interchange and U.S. Route 202 that would minimize additional traffic through the rest of the town.
- There is insufficient sewer capacity to support development along Coldbrook Road. Presently, the proposed rezone is not served by town sewer and nearby connections would necessitate a pump station and additional infrastructure.

Attachments:

- Proposed Zoning District Amendment Map
- 2010 Comprehensive Plan – Proposed Future Land Use Map



Zoning Map Amendment Application

214 Coldbrook Rd



